

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| UNITED STATES OF AMERICA | : | CRIMINAL NO. _____ |
| v. | : | DATE FILED: _____ |
| JAMARR DELMONT WELMAKER | : | VIOLATIONS: |
| RAUL ANTONIO RIVERA | : | 21 U.S.C. § 846 (conspiracy to distribute |
| JAIME NEVAREZ | : | cocaine - 1 count) |
| | : | 21 U.S.C. § 841(a)(1) (possession with |
| | : | intent to distribute cocaine - 1 count) |
| | : | 21 U.S.C. § 841(a)(1) (attempt to possess |
| | : | with intent to distribute cocaine - 1 count) |
| | : | 21 U.S.C. § 860(a) (attempt to possess |
| | : | with intent to distribute cocaine near a |
| | : | school - 1 count) |
| | : | 18 U.S.C. § 2 (aiding and abetting) |
| | : | 21 U.S.C. § 853 (criminal forfeiture) |

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From on or about March 22, 2004, through on or about March 25, 2004, at Reading, in the Eastern District of Pennsylvania, and elsewhere, defendants

RAUL ANTONIO RIVERA and
JAIME NEVAREZ

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute more than 500 grams, that is, approximately 1083 grams, of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

MANNER AND MEANS

It was a part of the conspiracy that:

2. Defendants RAUL ANTONIO RIVERA and JAIME NEVAREZ agreed to distribute cocaine in Reading, Pennsylvania.
3. Defendants RAUL ANTONIO RIVERA and JAIME NEVAREZ purchased cocaine from suppliers for distribution in Reading.
4. Defendants RAUL ANTONIO RIVERA and JAIME NEVAREZ and others carried and used cellular phones to speak with each other, and with distributors and purchasers of cocaine.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were performed in Reading, in the Eastern District of Pennsylvania, and elsewhere:

1. On or about March 22, 2004, RAUL ANTONIO RIVERA and JAIME NEVAREZ traveled from Arizona to Reading, Pennsylvania.
2. On or about March 25, 2004, defendants RAUL ANTONIO RIVERA and JAIME NEVAREZ possessed approximately 1083 grams of cocaine for distribution to JAMARR DELMONT WELMAKER in exchange for money.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 25, 2004, at Reading, in the Eastern District of Pennsylvania,
defendants

**RAUL ANTONIO RIVERA and
JAIME NEVAREZ**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with the intent to distribute of, more than 500 grams, that is approximately 1083 grams, of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B),
and Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 26, 2004, at Reading, in the Eastern District of Pennsylvania,
defendant

JAMARR DELMONT WELMAKER

knowingly and intentionally attempted to possess with the intent to distribute more than 500 grams, that is approximately 1083 grams, of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 26, 2004, at Reading, in the Eastern District of Pennsylvania,
defendant

JAMARR DELMONT WELMAKER

knowingly and intentionally attempted to possess with the intent to distribute more than 500 grams, that is approximately 1083 grams, of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, within 1,000 feet of the real property comprising Albright College, located at 1621 N. 13th Street, Reading, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

In violation of Title 21, United States Code, Section 860(a).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846, 841(a)(1) and 860(a), charged in this indictment, defendant JAMARR DELMONT WELMAKER shall forfeit to the United States of America:

a. any property, including but not limited to the sum of \$12,500 which constitutes and is derived from proceeds obtained directly or indirectly as the result of the violations of Title 21, United States Code as charged in this indictment.; and

b. any property which was used or intended to be used, in any manner or part, to commit or to facilitate the commission of the violations of Title 21, United States Code, Sections 846, 841(a)(1) and 860(a) charged in this indictment.

SUBSTITUTE ASSETS

2. If any of the property described above as being subject to forfeiture, as a result of any act or omission of defendant JAMARR DELMONT WELMAKER,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable

property.

All pursuant to Title 21, United States Code, Section 853.

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offenses charged in Counts One and Two of this indictment, defendant RAUL ANTONIO RIVERA:

a. Committed an offense and relevant conduct involving more than 500 grams of cocaine, as described in U.S.S.G. § 2D1.1(a)(7).

2. In committing the offenses charged in Counts One and Two of this indictment, defendant JAMIE NEVAREZ:

a. Committed an offense and relevant conduct involving more than 500 grams of cocaine, as described in U.S.S.G. § 2D1.1(a)(7).

3. In committing the offenses charged in Counts Three and Four of this indictment, defendant JAMARR DELMONT WELMAKER:

a. Committed an offense and relevant conduct involving more than 500 grams of cocaine, as described in U.S.S.G. § 2D1.1(a)(7).

b. Committed a drug offense directly involving a protected location (college), as described in U.S.S.G. § 2D1.2(a)(1).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney